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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,394	02/21/2002	Tatsuo Akiyama	219722US2S	5615
22850	7590	04/11/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER VAN DOREN, BETH	
			ART UNIT	PAPER NUMBER
			3623	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/11/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/11/2007.

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Office Action Summary

Application No.

10/078,394

Applicant(s)

AKIYAMA ET AL.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,8,10,11,17,18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,8,10,11,17,18,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection on 01/24/2007. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/06 has been entered, as well as the current communications of 01/24/2007.
2. The following is a non-final office action. Claims 1 and 11 have been amended. Claim 21 has been added. Claims 1, 7-8, 10-11, 17-18, and 20-21 are now pending.

Response to Amendment

3. Amendments to claims 1, 4, 6, 11, 14, and 17 sufficient to overcome the 35 U.S.C. 112, first paragraph, rejections.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1, 7-8, 10, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that it is directed to a system in the preamble. However, the body of the claim recites a series of "sections". A system is a combination of hardware and software components, so therefore it is unclear as to how a series of sections, such as a

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mediating section, a price information section, etc., composes a system. Clarification is required.

Claims 7-8 and 10 depend from claim 1 and therefore contain the same deficiency.

Claim 21 also recites in the preamble that the claim is directed to a system, but the body of the claim recites a series of "sections". Therefore, it is also unclear with regards to claim 21 how a series of sections composes a system. Clarification is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 7-8, 10-11, 17-18, and 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik (U.S. 5,666,493) in view of Pang et al. (U.S. 6,578,188) and in further view of De La Motte (U.S. 2005/0108140).

As per claims 1 and 11, Wojcik teaches a system comprising:

a purchase mediating section configured to exchange information with a buyer through a network (See Figure 1a, purchasing interface and column 7, lines 18-21, where the systems are networked and Figure 24: "purchasing" (440));

a factory mediating section configured to exchange information with a factory (column 1, lines 51-55: "The present invention has the ability to efficiently receive customer orders, process them, create appropriate financial records and coordinate this

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information with the inventory and manufacturing functions to prepare and load consolidated shipments for transportation to a customer.");

a manufacture order storing section configured to store an order, which is inputted through the purchase mediating section and includes at least one design specifications, a quantity, a desired delivery date and examination specification (column 1, lines 51-67, where the object of the invention is to receive and fill customer orders. The information is contained in databases as noted in claim 1.);

a line information storing section configured to store line information which is inputted through the factory mediating section and includes a processing ability state of a manufacturing line in the factory (column 1, lines 61-63, where the ability to meet the order is verified which is equivalent to the processing ability state of a manufacturing line as it performs an identical function in substantially the same manner with substantially the same results);

a price information storing section configured to store price information, which includes relationships between contents of manufacture orders and trading prices (column 1, line 64, where the system prices the order);

a calculating section configured to calculate an estimated price and an estimated delivery date of a product with reference to the price information and the line information, in response to the manufacture order (column 4, lines 12-13, where there are pricing and profitability software modules and column 6, lines 7-10, where delivery lead time and delivery schedules are determined);

a progress selecting section configured to transmit the estimated price and the estimated delivery date to the buyer through the purchase mediating section, and allow

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the buyer to select whether to proceed with manufacture of the product or not; and proceed with manufacture of the product or not (column 7, lines 1-2, where once the order is accepted then the order fulfillment step takes place); and

a manufacture instructing section configured to transmit the order to the factory through the factory mediating section, when proceeding with manufacture of the product is selected (column 7, lines 1-3, where the ordered is picked and packed by the warehouse which inherently means that the order was sent to the manufacturer or warehouse for order fulfillment).

Wojcik further teaches an examination data storing section configured to store examination data of the product manufactured in the factory, the examination data being inputted through the factory mediating section (See Figure 24, quality assurance (438), where documentation is generated with respect to the quality of the product.).

However, while Wojcik teaches a buyer as part of a system for managing customer orders, Wojcik does not expressly disclose that this buyer is a mask buyer. Further, while Wojcik teaches an examination data storing section configured to store examination data of the product manufactured, Wojcik does not expressly disclose that the product was produced in a mask factory, that the examination data is transmitted and includes each defect coordinate position, a dimension of each defect generated in the mask product, and an optical simulation image obtained by use of the mask product, which are retrieved from the examination data. Finally, Wojcik does not expressly disclose purchase determination based upon review of this examination data or the buyer submitting a price.

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Pang et al. discloses a mask buyer buying a manufactured mask and that the examination data concerning this mask is transmitted and includes each defect coordinate position, a dimension of each defect generated in the mask product, and an optical simulation image obtained by use of the mask product, which are retrieved from the examination data (See column 2, line 57-column 3, line 20, column 4, line 65-column 5, line 22 and lines 35-42, column 6, lines 1-22, which discloses manufacturing masks and customers of these masks, wherein an online simulation tool is accessible to all clients and identifies defect coordinate positions, dimensions of each defect, and an optical images. These are stored in the database and can also be printed out in a report. See also column 28, lines 45-55, and column 31, lines 1-20, 25-30, and 40-60). However, Pang et al. does not expressly disclose purchase determination based upon review of this examination data or the buyer submitting a price.

De La Motte teaches that it is known for a purchase selecting section configured to allow the buyer, through the purchase mediating section, to select, on the basis of the judgment data, whether to buy the product or not (See examination data in Figures 3 and 4 and see paragraph 46, where the buyer may reject the bid and paragraph 132, where the buyers are allowed to weight various quality components and make independent determinations as to which are acceptable). De La Motte further teaches that it is known the purchase selecting section further comprises a portion configured to allow the buyer, through the purchase mediating section, to input a desired purchase price of the product on the basis of the judgment data (see paragraph 12 where the system is geared toward buyers and suppliers negotiating the price of the items. Therefore it would imply that both sides are submitting pricing information.).

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Both Wojcik and Pang et al. disclose produces a product with quality, where a customer is involved. Wojcik teaches a buyer as part of a system for managing customer orders, wherein the ordered products are manufactured and examined. Pang et al. discloses that the specific product manufactured is a mask and that these masks are examined for defects. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a mask buyer in the system taught by Wojcik in order to more efficiently provide a customer with a product that is acceptable to them, which is especially important in mask creation where designs are very complicated and designs can gain defects in the transfer to the mask. See column 1, lines 44-65, and column 2, lines 10-21, of Pang et al.

De La Motte is an analogous art as it also teaches about managing customer orders. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the order system of Wojcik with the buyer reject feature of De La Motte in order to more efficiently provide a buyer with a product that meets expectations. This would also improve customer service since no customer would be happy having to pay for product that did not meet their expectations. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the order system of Wojcik with the buyer bidding feature of De La Motte in order to more efficiently facilitate the selling process by providing both sides the ability to have an input and means for negotiation between the buyers and sellers.

As per claims 7 and 17, Wojcik teaches a re-manufacture instructing section configured to instruct re-manufacture of the product to the factory through the factory mediating section, when re-manufacture of the product is selected (See Figure 25 and 35

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and column 19, lines 4-13, where the rejected material is sent back to manufacturing and dispositioned to either inventory or quarantine).

However, Wojcik does not expressly disclose that the buyer indicates re-manufacture of the product or that the product is a mask.

Pang et al. discloses that the product is a mask (See column 2, line 57-column 3, line 20, column 4, line 65-column 5, line 22 and lines 35-42, column 6, lines 1-22).

However, Pang et al. does not expressly disclose and De La Motte discloses that it is known to have a re-manufacture selecting section configured to allow the buyer, through the purchase mediating section, to select, on the basis of the judgment data, whether to re-manufacture the mask (product) or not (see paragraph 124 where if defects are present, the lot is rejected based independently upon each buyer's criteria which is equivalent to the buyer indicating re-manufacture as it performs an identical function in substantially the same manner with substantially the same results.). However, De La Motte does not expressly disclose that the product is a mask.

Both Wojcik and Pang et al. disclose produces a product with quality, where a customer is involved. Pang et al. discloses that the specific product manufactured is a mask. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a mask as a product in the system taught by Wojcik in order to more efficiently provide a customer with the product of a mask. See Pang et al., column 31, lines 1-20, 25-30, and 40-60, wherein customers are involved with the mask products.

De La Motte is an analogous art as it also teaches about managing customer orders. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the order system of Wojcik with the re-manufacture feature of

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De La Motte in order to provide a means for allowing the buyer to reject product that does not meet the specifications and indicate to the manufacturing facility why the rejection is being made. This allows for closed-loop feedback from customers to manufacturing which should help to reduce rejects.

As per claims 8 and 18, Wojcik the buyer is allowed to select purchase of the product and re-manufacture of the product at the same time (see Figure 16 and column 13, lines 18-41, where the customer or buyer contacts the manufacturer about a shortage or damaged product and even though they indicate to buy the product they are still asking for 're-manufacture" so that they can get their shortage or damaged products replaced or credited. This is equivalent to buying the product and indicating re-manufacture as it performs an identical function in substantially the same manner with substantially the same results.).

As per claims 10 and 20, Wojcik teaches the line information stored in the line information storing section is renewed with the latest line information inputted through the factory mediating section every time a product order is inputted (See Inventory Management section, column 16, lines 1-38, where inventory is scanned and updated in the database.). However, Wojcik et al. does not expressly disclose that the product ordered is a mask product.

Pang et al. discloses that the product is a mask product (See column 2, line 57-column 3, line 20, column 4, line 65-column 5, line 22 and lines 35-42, column 6, lines 1-22).

Both Wojcik and Pang et al. disclose produces a product with quality, where a customer is involved. Pang et al. discloses that the specific product manufactured is a

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mask. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a mask as a product in the system taught by Wojcik in order to more efficiently provide a customer with the product of a mask. See Pang et al., column 31, lines 1-20, 25-30, and 40-60, wherein customers are involved with the mask products.

Claims 21 recites equivalent limitations to the combination of claims 1, 7, and 10, and is therefore rejected using the same art and rationale set forth above.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 7-8, 10-11, 17-18, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is 571-272-6737. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd

bvd

March 29, 2007

Beth Van Der
AI 3623
Patent Examiner